

## REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 26-36 are currently pending. Claims 26, 29, 32 and 34 are independent. Claims 26, 29, 32, and 34-36 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### II. CLAIM OBJECTIONS

Claims 35 and 36 have been amended to overcome the objection in the Office Action by amending the dependencies of those claims.

Applicants respectfully request withdrawal of the objection to claims 35 and 36.

### III. REJECTIONS UNDER 35 U.S.C. §102

Claims 26-35 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Application Publication No. 2004/0128685 of Hassell et al. (hereinafter, merely "Hassell").

Applicants respectfully traverse this rejection.

Independent claim 1 is representative and recites, *inter alia*:

“a filtering means for filtering the attributive information on the basis of the selective information to select the digital content that suits the user's taste;

...  
display means for displaying only digital content selected by the filtering means in a first listing of first digital content previously broadcast and available for immediate reproduction by the receiver, and a second listing of second digital content not yet broadcast, the first listing visually distinguishable from the second listing.” (emphasis added).

Thus, in the present application digital content is displayed in two listings: a first listing of first digital content previously broadcast and available for immediate viewing by a user and a second listing of second digital content not yet broadcast. In an aspect of claim 1, the first and second listings include only digital content that suits the user's tastes. That is, the digital content has been filtered based upon a comparison of the attributive information with the user's selective information.

Thus, in an aspect of the present invention, the digital content are automatically selected on the basis of the selecting information showing the user's taste, which eases a user's selection by displaying on that content which the user desires from among all broadcast content. That is, eliminating content that is not desired improves the convenience of content selection. Publ. App. par. [0014], [0041].

Moreover, the receiving apparatus only stores the program, which is selected by the filter based upon the user's preferences. Therefore, because it is not necessary for the receiver to store all broadcast programs, the storage of the receiver is used more efficiently. Thus, the receiver stores and displays only the program, which suits the user's taste. The complication upon

selecting the program, which the user hopes for, among all broadcast programs is eliminated.

Publ. App. par. [0045].

Hassell does not disclose the features of claim 1 as discussed herein above.

#### **IV. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claim 36 was rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Hassell and Official Notice.

Claim 36 depends from claim 24 and is believed to be allowable for at least the same reasons.

#### **V. DEPENDENT CLAIMS**

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**


Claims 26-36 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By:   
Paul A. Levy  
Reg. No. 45,748  
(212) 588-0800